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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/676,559	10/02/2000	Yuuichi Tasaki	PNDF-00107	5156

466 7590 10/20/2004

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EXAMINER

ODLAND, DAVID E

ART UNIT PAPER NUMBER

2662

DATE MAILED: 10/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/676,559

Applicant(s)

TASAKI ET AL.

Examiner

David Odland

Art Unit

2662

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 30 August 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY [check either a) or b)]**

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: \_\_\_\_\_.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

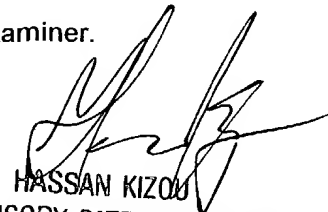
Claim(s) allowed: 1-6.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: 7-13.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☐ The drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☐ Other: \_\_\_\_\_

  
HASSAN KIZOB  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

Art Unit: 2662

Continuation of 2a: Claims 7 and 10 have been amended to recite that "...*either* one of an Internet protocol packet *and* an asynchronous transfer mode cell..." (emphasis added). The examiner objects to this amendment. The term "either" should be followed by an "or" in order to show that the system is accepting original data in one or the other format. The use of the term "either" with the term "and" as it is currently written is improper.

The since the applicant has amended claim 10 by adding the limitation "...of either one of an Internet protocol packet and an asynchronous transfer mode cell...", this amendment to the claim changes the scope of claim 10. The After Final amendment will not be entered because it raises new issues that would require further search and/or consideration.

The Applicant has also amended claim 13 in an attempt to place the claim in allowable form. However, the Applicant has not included the amendments made to claim 10 which claim 13 depends on (i.e. claim 13 now recites the terms "switching format", which is a limitation that was rejected from claim 10 as rendering claim 10 indefinite in the last Office action).

On page 15, the Applicant argues that Smith does not generate "...such an internal cell which creates a new cell comprising the original user data cell and the output index information..." The Examiner respectfully disagrees. The claim does this as a limitation. Furthermore, Smith discloses that a descriptor is used to search the routing table and determine which ports the cells are to be sent to (i.e. whether they are unicast or multicast (see columns 8, 10 and 11)). Thus indeed this limitation is met by the Smith reference. Furthermore, the Applicant argues that the table in Smith is not the same as the table recited in Claim 7. The Examiner respectfully disagrees. Smith discloses that the table stores the port number of the output ports that correspond to the descriptor field of the cell.